

**Maryland Board of Pharmacy  
Public Board Meeting**

**Meeting Minutes  
June 21, 2017**

<b>Name</b>	<b>Title</b>	<b>Present</b>	<b>Absent</b>	<b>Present</b>	<b>Absent</b>
<b>Board Committee</b>					
Ashby, D.	Commissioner	X			
Bouyoukas, S.	Commissioner	X			
Evans, K.	Commissioner	X			
Gavgani, M.	Commissioner/President	X			
Hardesty, J.	Commissioner	X			
Leikach, N.	Commissioner	X			
Morgan, K.	Commissioner		X		
Oliver, B.	Commissioner	X			
Peters, R.	Commissioner	X			
St. Cyr, II, Z. W.	Commissioner/Secretary	X			
Toney, R.	Commissioner	X			
Yankellow, E.	Commissioner		X		
<b>Board Counsel</b>					
Bethman, L.	Board Counsel	X			
Felter, B.	Staff Attorney		X		
<b>Board Staff</b>					
Speights-Napata, D.	Executive Director	X			
Fields, E.	Deputy Director of Operations	X			
Brand, E.	Licensing Manager	X			
Page, A.	Executive Administrative Associate	X			
Logan, B.	Legislation/Regulations Manager	X			
Evans, T.	Pharmacist Inspector	X			

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
<b>I. Executive Committee Report(s)</b>	<b>A.) M. Gavgani, Board President</b>	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> <li><b>1. M. Gavgani called the meeting to order at 9:42 A.M.</b></li> <li><b>2. M. Gavgani requested that Board Commissioners and staff introduce themselves and also informed guests that the meeting agenda and packet materials were available for review. She advised guests that all packets must be returned at the end of the meeting.</b></li> <li><b>3. M. Gavgani reminded all guests to sign the guest log, indicating whether they would like continuing education credits.</b></li> </ol>		
	<b>B.) Z. St. Cyr, II, Secretary</b>	<ol style="list-style-type: none"> <li><b>4. Review and approval of the May 2017 Public Meeting Minutes.</b></li> </ol>	4. The May minutes should reflect acknowledgement of K. Evans as a new Commissioner. Motion to approve the May 2017 Public Meeting minutes with this amendment by D. Ashby, 2 <sup>nd</sup> by S. Bouyoukas.	4. The Board voted to approve this motion.
<b>II. A. Executive Director Report</b>	<b>D. Speights-Napata, Executive Director</b>	<ol style="list-style-type: none"> <li><b>1. Operations Updates</b></li> <li><b>2. Meeting Updates</b></li> </ol>	<p>1. An update was provided on personnel vacancies and efforts to fill the positions.</p> <p>2. A discussion was held on the state's proposed new opioid prescribing policy document for Medicaid patients.</p>	2. D. Speights-Napata will draft a letter to the Governor that expresses the Board's

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		<p><b>3. Presentations/Discussion</b></p> <p><b>a. NABP Meeting</b></p> <p><b>b. Pharmacy Tech Consensus Conference</b></p> <p><b>c. Call Center</b></p>	<p>3a. R. Peters and S. Bouyoukas provided a summary of the proceedings of the NABP meeting, held in Orlando, FL.</p> <p>3b. D. Ashby gave an overview of the Pharmacy Technician consensus conference and industry efforts concerning Pharmacy Technician certification.</p> <p>3c. D. Ashby also shared information from ASHP's 2017 Harry A. K. Whitney Award Lecture. D. Ashby also shared a complimentary anecdote regarding the dramatic improvement in the Board's Call Center.</p>	<p>concerns with the proposed new policy.</p>
<b>B. Operations Report</b>	<b>E. Fields, Deputy Director/Operations</b>	<p><b>1. Management Information Systems (MIS) Unit Updates</b></p> <p><b>2. Budget Update</b></p>	<p>1. An update was provided on the new mobile instrument being used by inspectors. It is more efficient, reducing the time needed to complete field inspections.</p> <p>2. A report on the budget through May 2017 was provided.</p>	
<b>C. Licensing</b>	<b>E. Brand/Licensing Manager</b>	<p><b>1. Unit Updates</b></p> <p><b>2. Monthly Statistics</b></p>	<p>2. It was noted that this is the renewal period for Distributors, hence the high</p>	

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			License Type	New	Renewed	Reinstated	Total	number reported in this month's statistics.	
			Distributor	62	508	0	1,256		
			Pharmacy	16	0	0	2,102		
			Pharmacist	34	448	0	11,349		
			Vaccination	26	5	0	4,423		
			Pharmacy Intern - Graduates	7	0	0	46		
			Pharmacy Intern - Students	75	24	0	947		
			Pharmacy Technician	129	259	3	9,795		
			TOTAL	349	1,244	3	29,918		
		D. Compliance	Y. Wu, Compliance Manager	1. Unit Updates 2. Monthly Statistics Complaints & Investigations:  New Complaints - 39 Resolved (Including Carryover) – 40 Actions within Goal – 28/40 Final disciplinary actions taken – 15 Summary Actions Taken – 0 Average days to complete - 0					

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<b>E. Legislation &amp; Regulations</b>	<b>B. Logan, Legislation and Regulations Manager</b>	<p><b><u>1. COMAR 10.34.02.03 D Proof of Proficiency in English</u></b></p> <p><b><u>2. COMAR 10.34.18 Continual Education</u></b></p> <p><b><u>3. COMAR 10.34.37 Pharmacy Permit Holder Requirements — Wholesale Distribution and Non-Resident Pharmacy Operations</u></b></p> <p><b><u>4. COMAR 10.34.05.05 Security Responsibility.</u></b></p> <p><b><u>5. COMAR 10.34.34.05 Pharmacy Students.</u></b></p>	<p>1. Signed June 23, 2017, with effective date of July 3, 2017.</p> <p>2. June 5, 2017 effective date.</p> <p>3. The Board had considerable discussion on this regulation.</p> <p>4. Discussion centered on this regulation needing to specify either “and” or “or,” but not both.</p> <p>5. Following discussion, a motion was made by D. Ashby, 2<sup>nd</sup> by R. Peters to accept the language of this regulation with changes proposed by L. Bethman.</p>	<p>5. The Board voted to approve this motion.</p>
<b>III. Committee Reports</b> <b>A. Practice Committee</b>	<b>R. Peters, Chair</b>	<p><b><u>1. HB0880(Chapter 0525)SB0450(Chapter 525) Open Meetings Act – Annual Reporting Requirement, Web Site Postings, and Training</u></b></p> <p><b><u>2. a. Contraceptive in Vending Machines</u></b></p> <p><b><u>2. b. Response by Practice Committee</u></b></p> <p><b><u>2. c. Emergency Contraceptives Review</u></b></p>	<p>1. Commissioner N. Leikach was nominated to serve as the Board’s representative to take the required training.</p> <p>2a. The concept was referred to the Practice Committee.</p> <p>2b. The Practice Committee did not support the proposed legislation.</p> <p>2c. The document provided was perused by Commissioners.</p>	<p>2. The Board voted to approve this motion.</p>

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		<p><b><u>3. Prep-Proposal Concept Paper- Nominations for Health Occupation Boards</u></b></p>	<p>Presentations to the Board on this issue were made by Dr. David McBride, from the University of Maryland University Health Center; Kelly Cleland, Research Specialist at Princeton University; and Dr. Sharon Camp, a Maryland resident known as the “Mother of Plan B.” All advocated in support of locating emergency contraceptives in vending machines on the University of Maryland campus.</p> <p>Board Counsel, L. Bethman, informed the advocates that under Maryland law, the Secretary of DHMH can provide an exemption to the statute that prohibits the distribution of drugs via a vending machine.</p> <p>M. Gavvani asked for a motion to send this issue back to the Practice Committee for a recommendation to the Board. Moved by D. Ashby, 2<sup>nd</sup> by R. Peters.</p> <p>3. This concept paper proposes to allow individuals to self-nominate to Maryland health occupations boards. After discussion that included the motivation behind this effort, R. Peters moved, 2<sup>nd</sup> by Z. St. Cyr, II, to refer the matter back to Practice to draft a letter expressing the Board’s concerns.</p>	<p>3. The Board voted to approve this motion.</p>



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		<p><b><u>6. Eswar Abbineni- Telepharmacy-Practice Response</u></b></p>	<p>6. Question concerning Telepharmacy in Maryland. <b>Answer:</b> Maryland Pharmacy Act does not currently permit remote supervision of pharmacy technicians or interns. Direct supervision means that “a licensed pharmacist is physically available, notwithstanding appropriate breaks, on-site and in the prescription area or in an area where pharmacy services are provided.</p> <p>Motion by committee to approve response as prepared, 2<sup>nd</sup> by D. Ashby.</p>	<p>6. The Board voted to approve this motion.</p>
<p><b>B. Licensing Committee</b></p>	<p><b>D. Ashby, Chair</b></p>	<p><b>1. Review of Pharmacist Applications:</b></p> <p><b>a. Applicant #110929</b> - The Board denied the request to waive the MPJE exam on February 16, 2017. Applicant is again requesting the Board to consider waiving the MPJE re-test as a requirement for reinstatement of her pharmacist licensure. Prior to renewing her license for 2014-2016, she contacted the Board to discuss renewal options. The information she was provided was that Maryland does not offer an “inactive” status for pharmacists who no longer practice in the</p>	<p>1a. Motion by D. Ashby to approve request, 2<sup>nd</sup> by Z. St. Cyr, II.</p> <p><b><i>NOTE: This case led to considerable discussion regarding the need to clarify Board policy and consistently convey it to licensees and permit holders.</i></b></p>	<p>1a. The Board voted to approve this motion.</p>



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		<p>state of Maryland. However, she was told that she has the option to not renew for the 2014-2016 cycle and re-new at any later time. During this discussion, she says that only two requirements for renewal were stated:</p> <ol style="list-style-type: none"> <li>1. The fee with a penalty amount added; and</li> <li>2. Proof of maintained continuing education credits. She says that it was never mentioned that there would be a potential for additional requirements, such as taking the MPJE, if the renewal did not occur within a certain window.</li> </ol> <p>This fact pattern is similar to applicant #110499. In both cases, they claim they were not told of the need to take the MPJE if their application expired more than 2 years earlier. Applicant states had she known this she would have never skipped the renewal cycle. As of August 2008, applicant no long lives or practices pharmacy in the state of Maryland. She has an active license in other states and has always maintained appropriate continuing education requirements during this time. Maryland is the applicant's primary state and she says it is very important for her to maintain this license in proper order.</p> <p><u>Licensing Committee's Recommendation:</u> No recommendation</p> <p>b. <b>G. Lee-Thornton</b> - Requesting approval to act as the Maryland licensed</p>	<p>1b. Motion to Disapprove the request by D. Ashby, 2<sup>nd</sup> by J. Hardesty.</p>	<p>1b. The Board voted to approve this motion.</p>

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		<p>pharmacist for two non-resident pharmacies. One pharmacy is a non-dispensing, remote telepharmacy for a hospital. The other pharmacy is a specialty dispensing pharmacy. There is a proposed regulation that prohibits a Maryland licensed pharmacist from being employed by more than one non-resident pharmacy.</p> <p><u>Licensing Committee's Recommendation:</u> No recommendation</p> <p>c. <b>M. Monique</b> - Applicant is requesting to use her current work experience as the Director, US Medical Affairs, Hematology, towards the 1,000 hours of pharmacy service required for licensure. She states that she has worked in the pharmaceutical industry in several different capacities and that all of her roles have allowed her to continue to utilize the skills and knowledge she acquired as a clinical pharmacist.</p> <p>Her duties and responsibilities include the following,</p> <ul style="list-style-type: none"> <li>• Lead the development, communication, and implementation of US medical affairs strategy for assigned therapeutic area(s)/product(s) - Hemophilia A/B with Inhibitors and Acquired Hemophilia A.</li> <li>• Collaborate with internal stakeholders to provide scientific</li> </ul>	<p>1c. Motion by committee to approve committee's recommendation, 2<sup>nd</sup> by R. Peters.</p>	<p>1c. The Board voted to approve this motion.</p>

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		<p>input, strategic support, and education/training.</p> <ul style="list-style-type: none"> <li>• Ensure timely development, implementation, maintenance, and medical review of clinical, scientific, and HEOR slide presentations and other resources for use by field medical teams (medical science liaisons [MSLs] and medical and scientific outcomes liaisons [MSOLs]).</li> <li>• Coordinate and conduct training for field medical teams and sales force teams.</li> <li>• Develop and maintain relationships/partnerships with key opinion leaders (KOLs) and other external stakeholders (i.e., payers), medical/professional organizations, and patient advocacy groups in regards to scientific exchange, research, medical education, and other medical affairs initiatives.</li> <li>• Conduct country analyses to identify research and education gaps.</li> <li>• Design and/or review and approve regional post-approval studies.</li> <li>• Identify research grants that advance the science and knowledge of the biologic basis of inhibitors in Hemophilia A and acquired Hemophilia A.</li> </ul>		

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		<ul style="list-style-type: none"> <li>• Participate in independent medical education (IME) grants review board as voting member.</li> <li>• Collaborate with Global Medical Affairs, R&amp;D, and Clinical Research Organizations (CRO) for study site recruitment and support other research-related activities for post-authorization studies.</li> <li>• Provide input into product life-cycle planning.</li> <li>• Lead product launch activities on behalf of US Medical Affairs team/support marketing and sales organization on product launch activities.</li> <li>• Develop budget and provide ongoing planning, reporting and monitoring of executed tactics.</li> <li>• Lead the coordination and execution of advisory board meetings to understand data/scientific/educational gaps.</li> <li>• Provide scientific support in the development of publications.</li> <li>• Participate in select global and regional congresses, symposia, and medical committees.</li> </ul> <p><u>Licensing Committee's Recommendation:</u> Deny</p> <p>d. <b>S. Adesina</b> - Pharmacist is requesting a refund of his license renewal fee that was paid before the expiration date. The</p>	<p>1d. Motion by committee to approve, 2<sup>nd</sup> by S. Bouyouakas.</p>	<p>1d. The Board voted to approve this motion.</p>

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		<p>license expired prior to the completion of the renewal application. Applicant states he was advised that, because his completed application for renewal was not received before the deadline, he had to apply for reinstatement.</p> <p><u>Licensing Committee's Recommendation:</u> Approve</p> <p>e. <b>Applicant #110499</b> - Applicant is requesting to have the MPJE exam waived and the fees for reinstatement application refunded under the advisement of the Board not to renew her pharmacist licensure in 2015. The timing of her application suggests that she waited until right after the expiration of her license to seek reinstatement. She claims that no one told her that if she sought reinstatement she would have to take another exam. Similar fact pattern as Applicant #110929.</p> <p><u>Licensing Committee's Recommendation:</u> No recommendation</p> <p>2. <b>Review of Pharmacy Intern Applications: NONE</b></p> <p>3. <b>Review of Pharmacy Technician Applications: NONE</b></p> <p>4. <b>Review of Distributor Applications: NONE</b></p> <p>5. <b>Review of Pharmacy Applications: NONE</b></p>	<p>1e. Motion to approve the waiver request but deny a refund of the reinstatement application fees by M. Gavgani, 2<sup>nd</sup> by D. Ashby.</p>	<p>1e. The Board voted to approve this motion.</p>

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		<p><b>6. Review of Pharmacy Technicians Training Programs:</b></p> <p><b>a. Giant Eagle Technician Training Program</b> - This program and examination were originally approved in 2009. The company recently submitted an updated program description. The Board voted to not approve the program on May 17, 2017. The company submitted additional documentation and a request for approval of its program and examination.  <u>Licensing Committee's Recommendation:</u>  Approve</p> <p><b>b. Ashworth College Technician Training Program</b> - This item was added to the agenda after the Licensing Committee met and was reviewed by the Chairman. The school seeks approval of its program and examination.  <u>Licensing Committee's Recommendation:</u>  No recommendation.</p> <p><b>7. New Business:</b></p> <p><b>a. Technician Application Edit</b> - Disciplinary Committee wants to add "job title" in the Employment Information section for all technician applications.  <u>Licensing Committee's Recommendation:</u>  Approve</p>	<p>6a. Motion by committee to approve, 2<sup>nd</sup> by D. Ashby.</p> <p>6b. Motion by S. Bouyouakas to approve, 2<sup>nd</sup> by D. Ashby.</p> <p>7a. Motion by committee to approve, 2<sup>nd</sup> by D. Ashby.</p>	<p>6a. The Board voted to approve this motion.</p> <p>6b. The Board voted to approve this motion.</p> <p>7a. The Board voted to approve this motion.</p>

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		<p><b>b. INO Therapeutics</b> - Company is requesting an extension of the renewal period pending the receipt of background check results. Application was received May 24, 2017.  <u>Licensing Committee's Recommendation:</u>  No recommendation</p> <p><b>c. Merchant Gases/Airgas</b> - Company is requesting an extension of the renewal period pending the receipt of background check results. Application was received May 24, 2017.  <u>Licensing Committee's Recommendation:</u>  No recommendation</p> <p><b>d. Smiths Medical</b> - Company is requesting an extension of the renewal period pending the receipt of background check results. Application was received May 24, 2017.  <u>Licensing Committee's Recommendation:</u>  No Recommendation</p>	<p>7b. Following discussion, a motion to accept a background check submitted by the company within the past year to another jurisdiction was made by D. Ashby, 2<sup>nd</sup> by S. Bouyoukas.</p> <p>7c. Motion to accept a background check submitted by the company within the past year to another jurisdiction was made by D. Ashby, 2<sup>nd</sup> by S. Bouyoukas.</p> <p>7d. Motion to accept a background check submitted by the company within the past year to another jurisdiction was made by D. Ashby, 2<sup>nd</sup> by S. Bouyoukas.</p>	<p>7b. The Board voted to accept this motion.</p> <p>7c. The Board voted to accept this motion</p> <p>7d. The Board voted to accept this motion</p>
<b>C. Public Relations Committee</b>	<b>E. Yankellow, Chair</b>	<p><b>Public Relations Committee Update:</b> The PR Committee report was provided by Z. St. Cyr, II, in the absence of the Committee Chair.</p> <p><b>1. CE Breakfast</b></p>	<p>1. One of the CE speakers, Dr. Gorelick from the University of Maryland, requests a \$300.00 honorarium to speak at the Board's CE breakfast. Dr. Gorelick's usual speaking fee is \$1,500.00. None of the other speakers at this year's CE breakfast are requesting a speaking fee</p>	<p>1. The Board voted to approve this motion.</p>

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		<p><b>2. Former Board member Farewell Dinner</b></p> <p><b>3. Joint MPhA/BOP Webinar</b></p>	<p>and the Board has never paid speakers at prior CE breakfasts. Board approval is needed to authorize the speaking fee requested this year. Motion by Committee to approve the honoraria, 2<sup>nd</sup> by R. Toney.</p> <p>2. August 24<sup>th</sup> is the date selected for the former Board member farewell dinner. Location and cost will be forthcoming. Board members were asked to save the date on their calendars.</p> <p>3. Concerns were raised about the content of the medical error CE webinar, particularly whether it comported with MD laws since it is produced by the GA BOP. Other concerns were noted about the "appearance" of a conflict of interest by partnering with one of the Pharmacy communities of interest on this project.</p>	<p>2. The Board gave tacit approval to moving forward. It was noted that many plan to take vacations in August so the PR Committee should contact the former Board members ASAP to lock in the date and, if it works for everyone, proceed with securing a location.</p> <p>3. This matter was tabled until the Board's July meeting in order to give Linda an opportunity to review the content of the webinar.</p>
<b>D. Disciplinary</b>	<b>K. Morgan, Chair</b>	<b>Disciplinary Committee Update:</b> <i>None at this time.</i>		



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<b>E. Emergency Preparedness Task Force</b>		<b>Emergency Preparedness Update:</b> <ol style="list-style-type: none"> <li>1. Commissioner N. Leikach is the newly appointed Chair of the Emergency Preparedness Task Force.</li> <li>2. The Task Force is revisiting the frequency of its meetings.</li> </ol>		
<b>IV. Other Business &amp; FYI</b>	<b>M. Gavgani, President</b>			
<b>V. Adjournment</b>	<b>M. Gavgani, President</b>	<p><b>M. Gavgani asked for a motion to close the Public Meeting and open a Closed Public Session.</b></p> <p><b>M. Gavgani convened a Closed Public Session for the purpose of engaging in medical review committee deliberations regarding confidential information in applications in accordance with the Open Meetings Act, General Provisions Article, Section 3-305 (b) (7) and (13).</b></p> <p><b>The Open Public Session was adjourned at 12:34 P.M. and, immediately thereafter, M. Gavgani convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.</b></p>	Motion to close the Public Board Meeting by D. Ashby, 2 <sup>nd</sup> by S. Bouyoukas.	The Board voted to approve this motion.